



Fremont Board of Adjustment  
October 25, 2011  
Meeting Minutes  
Approved November 29, 2011

Members present: Chairman Doug Andrew, Members John (Jack) Downing, Jack Baker, Scott Boisvert and Alt/recording Secretary Meredith Bolduc.

Mr. Andrew opened the meeting at 7:30 pm.

At the August 25, 2009 meeting Mr. Andrew designated Alternate Meredith Bolduc to fill the vacancy on the Fremont Board of Adjustment until such time as the Selectmen have appointed someone to serve as a full Board Member to fill that vacancy. That appointment remains in effect.

#### MINUTES

Mr. Downing made the motion to amend the minutes of the September 27, 2011 meeting by adding after sentence 2 on page 2 under "Site Visit". *Mrs. Bolduc said the ZBA does not consider approval or denial of a specific floor plan layout or design.*

Motion seconded by Mr. Andrew with favorable vote 3-2; Mr. Baker abstained as he was not at that meeting or the site visit and Mr. Boisvert abstained as he was not present at that meeting.

Mr. Downing made the motion to accept the minutes of the September 27, 2011 meeting as amended. Motion seconded by Mr. Andrew with favorable vote 3-2; Mr. Baker and Mr. Boisvert abstained.

Work session discussions included:

- The In-Law Apartment ordinance as it would pertain to new and existing homes.
- General zoning issues as they pertain to specific zones.
- The present economy & the effect it has on residents and zoning issues.

Mrs. Bolduc reported that the Planning Board has approved amendments to the following Zoning Ordinance articles to be moved on to public hearing and then to the voters at the 2012 Town Meeting.

- Article IV-A of the Fremont Zoning Ordinance (In-Law Accessory Apartments).
  1. Delete the second portion of the sentence in section G. "Any new entrances shall be located on the side or rear of the building *and shall be at ground level*".

Rational: Amending this condition would allow the option of having steps to an entrance such as in the case of older, existing homes with existing entrances.

2. Delete section H in its entirety. *“All in-law/accessory apartments shall have accessible entrances and shall conform to dwelling unit Type-B construction, as specified in the International Residential Code (IRC).”*

Rational: This amendment would eliminate an in-law accessory apartment to be required to conform to dwelling unit Type-B construction which is described as “a dwelling unit designed and constructed for accessibility in accordance with ICC/ANSI A 117.1, intended to be consistent with the technical requirements of fair housing required by federal law.”

- Article XI –E; 4 (d) of the Fremont Zoning Ordinance (Aquifer Protection District) by adding *“except for propane and natural gas”*.

Rational: This amendment would put the Town in line with NH DES model ordinance in excluding propane and “other liquefied fuels which exist as gases at normal atmospheric temperature and pressure”.

- Article XIX, 1.3-C of the Fremont Zoning Ordinance (Signs) - “For Sale Signs” by adding *“and do not exceed six (6) square feet in size”*.

Rational: This amendment would allow the ordinance to be in keeping with the typical size of for sale signs, particularly pertaining to the sale of land, and eliminate the placement of oversized signs.

Mr. Downing and Mrs. Bolduc reported that they attended the October 12, 2011 LGC Law Lecture Series #3 and as a result they shared with the Board some approved changes in RSA’s that may come into plan for the ZBA in the future including:

- 676:5 - IV  
“The board of adjustment may impose reasonable fees to cover its administrative expenses and costs of special investigative studies, review of documents, and other matters which may be required by particular appeals or applications.”
- 674:39aa -  
II. Lots or parcels that were involuntarily merged prior to September 18, 2010 by a city, town, county, village district, or any other municipality, shall at the request of the owner, shall be restored to their premerger status at the request of the owner, provided:
  - (a) The request is submitted to the governing body prior to December 31, 2016.
  - (b) No owner in the chain of title voluntarily merged his or her lots. The municipality shall have the burden of proof to show that any previous owner voluntarily merged his or her lots.
- Requests made to local governing body whose decisions may be appealed pursuant to RSA 676.
- Any municipality may adopt more liberal local ordinances.
- Municipalities shall post a notice informing residents that any involuntarily merged lots may be restored to premerger status upon the owner's request no later than January 1, 2012 and shall remain posted through December 31, 2016 and in its 2011 through 2015 annual reports.
- 674:36-IV  
The planning board shall not require, or adopt any regulation requiring, the installation of a fire suppression sprinkler system in proposed one- or 2-family residences as a condition of approval for a local permit.

Pending House and Senate bills:

**HB 85.** This bill would change the definition of “abutter” under RSA 673:2 to mean, in the case of a condominium, each unit owner, rather than the officers of the owners’ association. The result of this change would be that land use boards, in giving notice of hearings, would be required to notify every owner of an abutting condominium, rather than just the officers.

**SB 19.** This bill amends the definition of “prime wetlands” that may be designated by a municipality by requiring that any such wetland comprise five acres or more and by adding “very poorly drained soils” to the attributes that may qualify the land for such designation.

Mr. Downing and Mrs. Bolduc will attend the November 17, 2011 annual LGC Conference in Manchester.

**CORRESPONDENCE**

There was no incoming correspondence.

At 8:45 pm Mr. Downing made the motion to adjourn.  
Motion seconded by Mr. Boisvert with unanimous favorable vote.

Next meeting: scheduled for November 29, 2011.

Respectfully submitted,

Meredith Bolduc, recording secretary

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